

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-2, 4-7, 9-36 and 38-39 are pending in the present application. No claims are amended by the present amendment, thus, no new matter is added.

In the outstanding Office Action, Claims 1, 2, 6, 7, 15, 22, 25-27, 29-31, 35, 38 and 39 were rejected under 35 U.S.C. §103(a) as unpatentable over Stefik et al. (U.S. Patent No. 6,233,684, herein "Stefik") in view of Schneck et al. (U.S. Pat. No. 5,933,498, herein "Schneck") and Perlman (U.S. Patent No. 6,363,480); Claims 4-5, 9-10, 16-17, 23-24, 28 and 32 were rejected under 35 U.S.C. §103(a) as unpatentable over Stefik, Schneck Perlman in further view of Chou et al. (U.S. Patent No. 5,337,357, herein "Chou"); and Claims 11-14 and 18-21 were rejected under 35 U.S.C. §103(a) as unpatentable over Stefik and Schneck.

Applicant respectfully requests reconsideration of the rejections of Claims 1-2, 4-7, 9-36 and 38-39 under 35 U.S.C. §103(a), and traverses the rejections, as discussed next.

Amended Claim 1 recites, in part,

...said image forming apparatus comprising:

...a deciphering part configured to decipher data received from the external apparatus, based on the enciphering key stored in the storage part;

a judging part configured to judge whether the deciphered data obtained by the deciphering part is for printing or for updating and whether or not deciphered data obtained by the deciphering part is valid;

a printing part configured to print the deciphered data on a recording medium after the judging part judges that the deciphered data is valid and is for printing; and

a processing part configured to update a version of the program used by the image forming apparatus based on the deciphered data after the judging part judges that the deciphered data is valid, is for updating and includes data for updating the version of the program used by the image forming apparatus.

Claims 6, 11, 18, 25 and 29 recite similar features.

Stefik describes a trusted rendering system for controlling the distribution and use of digital works. In addition, Stefik describes a system, as illustrated in Figure 14, in which encrypted print data is fed through a trust box 1403 before being sent in decrypted form to a printer 1404. Schneck describes a method of controlling access to data that includes user rights. Pearlman teaches a system of generating keys.

The outstanding Action states on pages 2-3 that

...the Examiner is interpreting the combined printer, trust box and PC [of Stefik] as Applicant's "apparatus" as they operate together to allow a user to securely obtain and print content at a user location (figure 14).

...Both Stefik and Schneck et al. teach systems that control content based on rights (e.g. print, copy, play) associated with said content ('684, figure 6; '498, column 25, lines 10-40). Therefore, the user PC will necessarily associate "print" rights with content intended for printing ('684, figures 6, 10 and 12; '498, column -23, lines 18-31) and "access" rights that allow or prevent a user from accessing downloaded content such as software updates that improve content performance ('498, column/lines 29/63-3015), as a PC is a logical machine.

Further the outstanding Action states on page 4-5 that

a judging part to determine whether deciphered data is valid (**i.e. user has view or play "right" and not "print" right**) printing part to print valid data (figures 6, 7 and 15; column 9, lines 3-10, 28-40, and 55-60; column 18, lines 55-59)

...Stefik et al. do not specifically disclose notifying an external apparatus if actions are not valid and updating software using deciphered data. Schneck et al. et al. teach updating software if deciphered data is valid (**i.e. user has rights**) (column/line 23/5-2414; column 25, lines 10-40) (emphasis added).

In other words, the outstanding Action takes the position that judging whether the deciphered data obtained by the deciphering part is for printing or for updating and whether or not deciphered data obtained by the deciphering part is valid is equivalent to determining whether or not a user has rights to "print" or "update" using the data. Applicants respectfully

traverse this assertion. Specifically Applicants respectfully submit that Claim 1 clearly recites that the judging part is configured to judge the *deciphered data*.

In other words, the data use rights have clearly already been resolved before the data is presented to the judging part. The judging part is used to judge whether the deciphered data obtained by the deciphering part is *for printing or for updating*. Thus, the judging part looks at the decrypted data that the system clearly has full access to and determines if the data is the type of data that is intended for printing or the type of data that is intended for updating the software of the system.

Further, the judging part looks at the data and determines if the data is valid (e.g. if the data isn't corrupted). Interpreting the recited phrase "valid" to be equivalent to "has rights to" is not consistent with the entire claim or the corresponding specification and, as such, is not a reasonable interpretation. MPEP §2111 states "during patent examination, the pending claims must be "*given their broadest reasonable interpretation consistent with the specification*" (emphasis added).

Clearly any deciphering must come *after* rights are determined, not before. For instance, in Figure 12 of Stefik, the access rights are first determined in steps 1203-04 then the work is decrypted in step 1208. It would make no sense to decrypt the work before determining access rights. Thus it is not reasonable to interpret the judgment part recited in Claim 1 as being equivalent to a rights manager. Clearly the judgment part recited in Claim 1 is used to determine what the already *decrypted* data should be used for and if the data is whole, i.e. valid, not whether or not a user has access to the data.

Thus, the combination of Stefik and Schneck does not describe or suggest "a judging part configured to judge whether the deciphered data obtained by the deciphering part is for printing or for updating and whether or not deciphered data obtained by the deciphering part is valid," as is recited in Claim 1.

Perlman does not cure the above noted deficiencies of Stefik and Schneck.

Independent Claims 6, 11, 18, 25 and 29 recite features analogous to the features recited in independent Claim 1. Moreover, Claims 6, 11, 18, 25 and 29 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicant respectfully submits that the rejections of Claims 6, 11, 18, 25 and 29, and all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 1.

Accordingly, even assuming that the combination of Stefik, Schneck and Perlman is proper, the applied references fail to teach or suggest all the elements of Applicant's independent claims as is noted above. Thus, Applicant respectfully submits that independent Claims 1, 6, 11, 18, 25 and 29 patentably distinguish over Stefik, Schneck and Perlman considered alone or in combination.

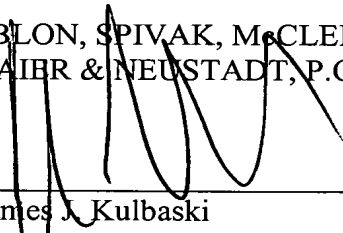
Further, the reference Chou applied in the context of a 35 U.S.C. §103(a) rejection of the dependent claims does not remedy the deficiencies of the references Stefik, Schneck and/or Perlman, taken individually or in combination, as discussed above.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-2, 4-7, 9-36 and 38-39.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-2, 4-7, 9-36 and 38-39 is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\JL\217573US\217573US_AM(7.10.2007).DOC